

Public Notice

U.S. Army Corps of Engineers, Norfolk District

September 30, 2005

CENAO-TS-G
05-V2168

FEDERAL PUBLIC NOTICE

The District Engineer and the Virginia Department of Environmental Quality have received a joint application for Federal and State permits as described below:

APPLICANT

Paramont Coal Company Virginia, LLC
P.O. Box 1578
Coeburn, VA 24230

WATERWAY AND LOCATION OF THE PROPOSED WORK: The project is located in Cane Creek and seven (7) of its unnamed tributaries, Tiller Fork and one (1) of its unnamed tributaries, Left Fork and one (1) of its unnamed tributaries, two (2) unnamed tributaries to Indian Creek and one (1) unnamed tributary to Three Forks. The project is located in the Indian Creek watershed in Dickenson and Buchanan Counties near Duty, VA.

PROPOSED WORK AND PURPOSE: The applicant proposes to impact approximately 10,250 LFt. of perennial stream, 14,750 LFt. of intermittent stream, and 2,520 LFt. of ephemeral stream and 5.5 acres of jurisdictional wetlands. The impacts are due to the construction of seven (7) hollow fills, eight (8) temporary drainage control ponds, one (1) permanent road crossing, and mining through streams. To mitigate for this work the applicant proposes to reconstruct stream channels using natural stream channel design after the area has been mined, backfilled and drainage control ponds removed. In addition, stream channel enhancements will take place upstream in Cane Creek and Left Fork. Also, stream enhancements will take place in the headwaters of Chaney Creek a tributary to the Clinch River. To mitigate for wetland impacts Ponds No. 6 and No. 9 will be converted to wetlands and three depressional wetlands will be constructed adjacent to Tiller Fork.

In addition to the required Department of the Army permit, the applicant must obtain a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ) assuring that applicable laws and regulations pertaining to water quality are not violated and a permit from the WHAT Wetlands Board. Project drawings are attached.

AUTHORITY: Permits are required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217) and Title 62.1 of the Code of Virginia.

FEDERAL EVALUATION OF APPLICATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected from the

proposal must be balanced against its reasonably foreseeable detriments. All of the proposal's relevant factors will be considered, including conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use classification, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The Environmental Protection Agency's "Guidelines for Specification of Disposal Sites for Dredged or Fill Material" will also be applied (Section 404(b)(1) of the Clean Water Act).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Anyone may request a public hearing to consider this permit application by writing to the District Engineer within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Engineer will then decide if a hearing should be held.

Preliminary review indicates that: (1) no environmental impact statement will be required; (2) no species of fish, wildlife, or plant (or their critical habitat) listed as endangered or threatened under the Endangered Species Act of 1973 (PL 93-205) will be affected; and (3) no known properties eligible for inclusion or included in the National Register of Historic Places are in or near the permit area, or would likely be affected by the proposal. Additional information might change any of these findings.

COMMENT PERIOD: Comments on this project should be made in writing, addressed to the Norfolk District, Corps of Engineers, Clinch Valley Regulatory Office, Post Office Box 338, Abingdon, Virginia 24212, and should be received by the close of business on **October 28, 2005**.

If you have any questions about this project or the permit process, please call:

Annette Poore 276-623-5259

FOR THE DISTRICT ENGINEER:

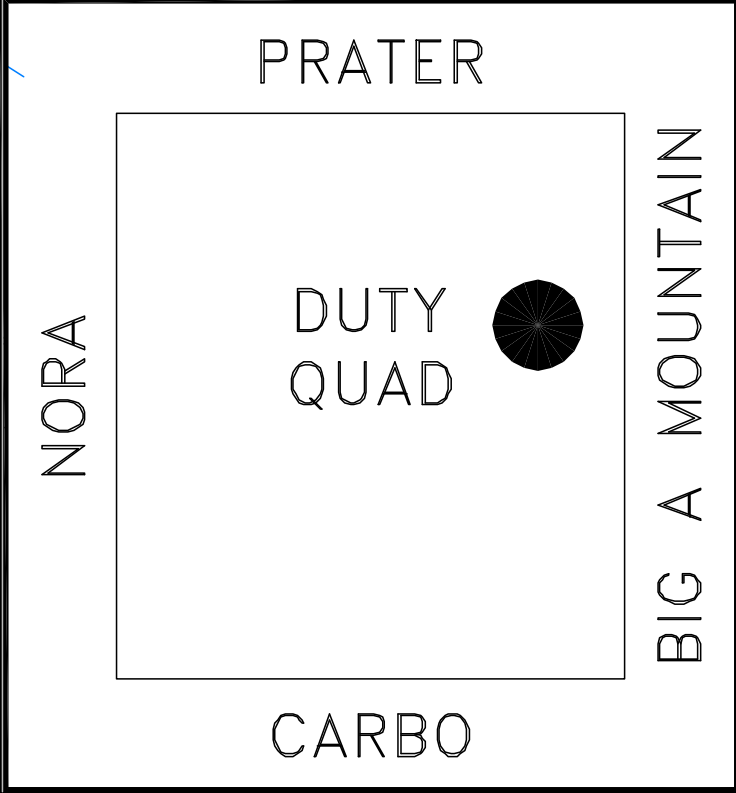
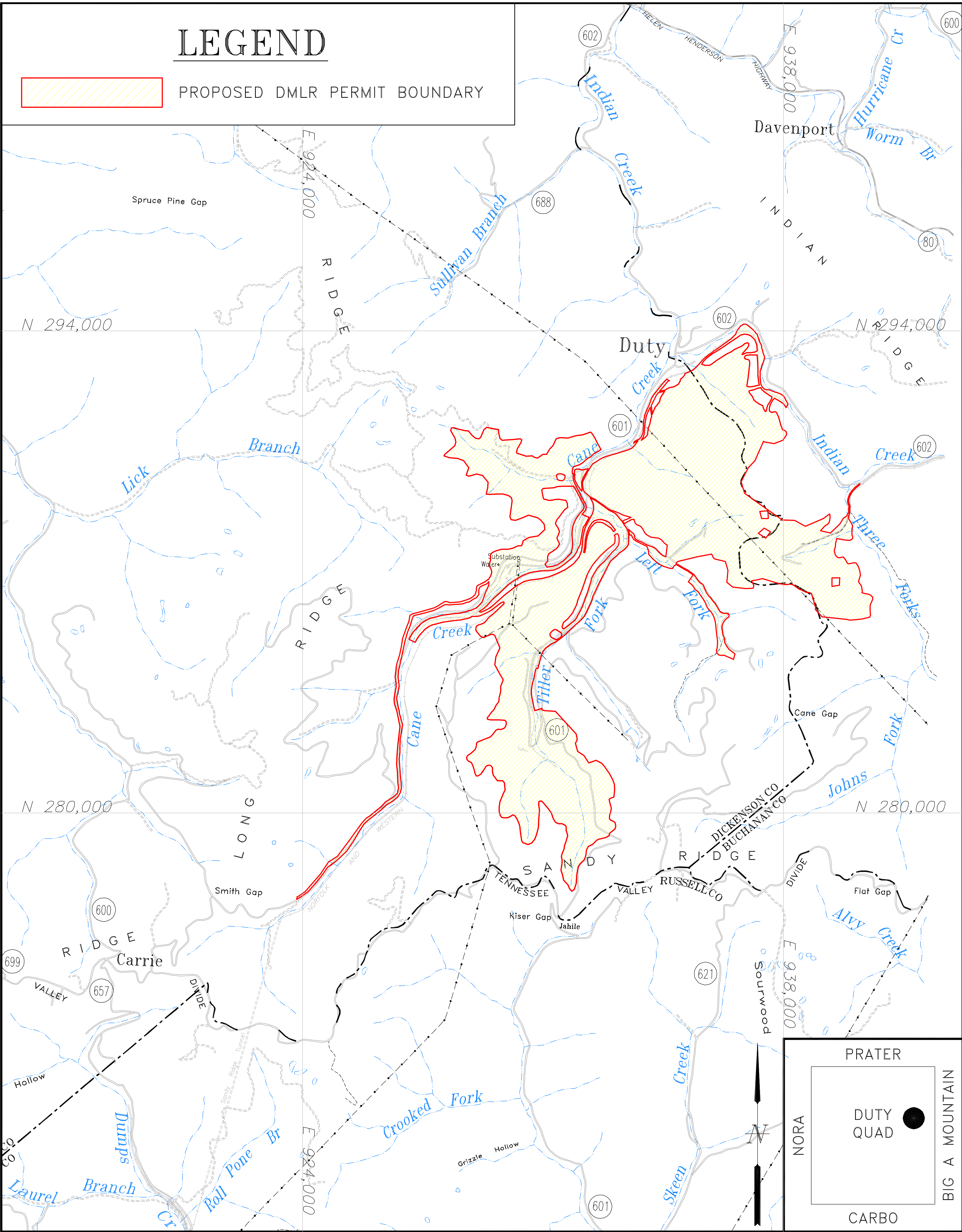
Michael A. Schwinn
Chief, Western Virginia
Regulatory Section

Attachment:
Location Map
9 Drawings

LEGEND

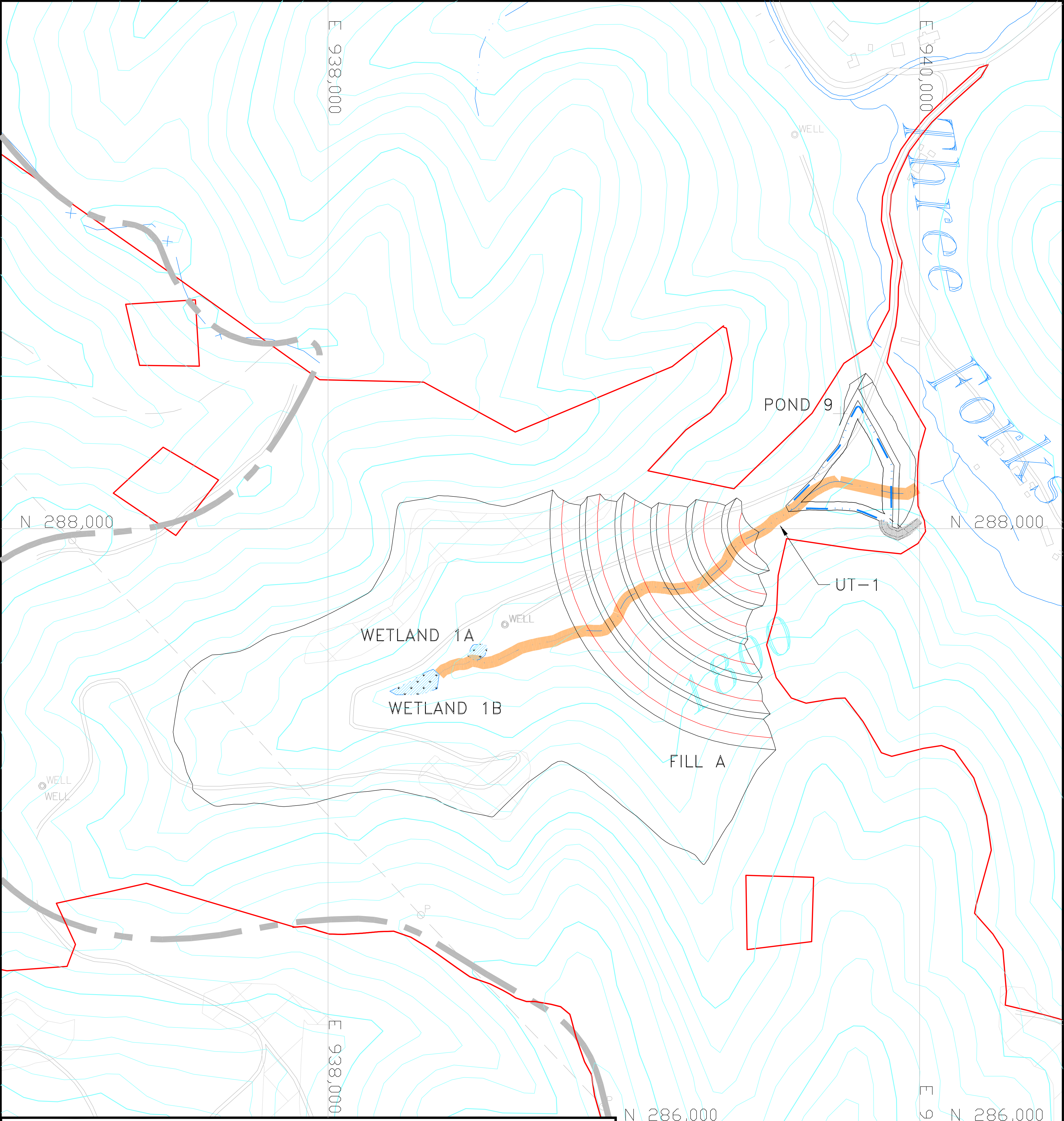


PROPOSED DMLR PERMIT BOUNDARY



DESIGNED LMD	DATE 09-15-05		PARAMONT COAL COMPANY VIRGINIA, LLC NO. 88 SURFACE MINE
DRAWN LMD	SCALE 1" = 4000'		
CHECKED TRB			
PROJECT NO. 04-388A	FILE NAME LOC-PUBLIC.DWG	SHEET NO. 1 OF 10	LOCATION MAP

D.R. ALLEN & ASSOCIATES, P.C.
Civil • Environmental • Mining
Abingdon, Virginia



LEGEND

VDMLR PERMIT BOUNDARY

USACE JURISDICTIONAL AREAS

PERENNIAL STREAMS TO BE IMPACTED

INTERMITTENT STREAMS TO BE IMPACTED

EPHEMERAL CHANNEL TO BE IMPACTED

N

PRATER

NORA

DUTY QUAD

CARBO

BIG A MOUNTAIN

DESIGNED	LMD	DATE	09-15-05
DRAWN	LMD	SCALE	1" = 500'
CHECKED	TRB		
PROJECT NO.	FILE NAME	SHEET NO.	
04-388A	FILL A PLAN.DWG	2 OF 10	

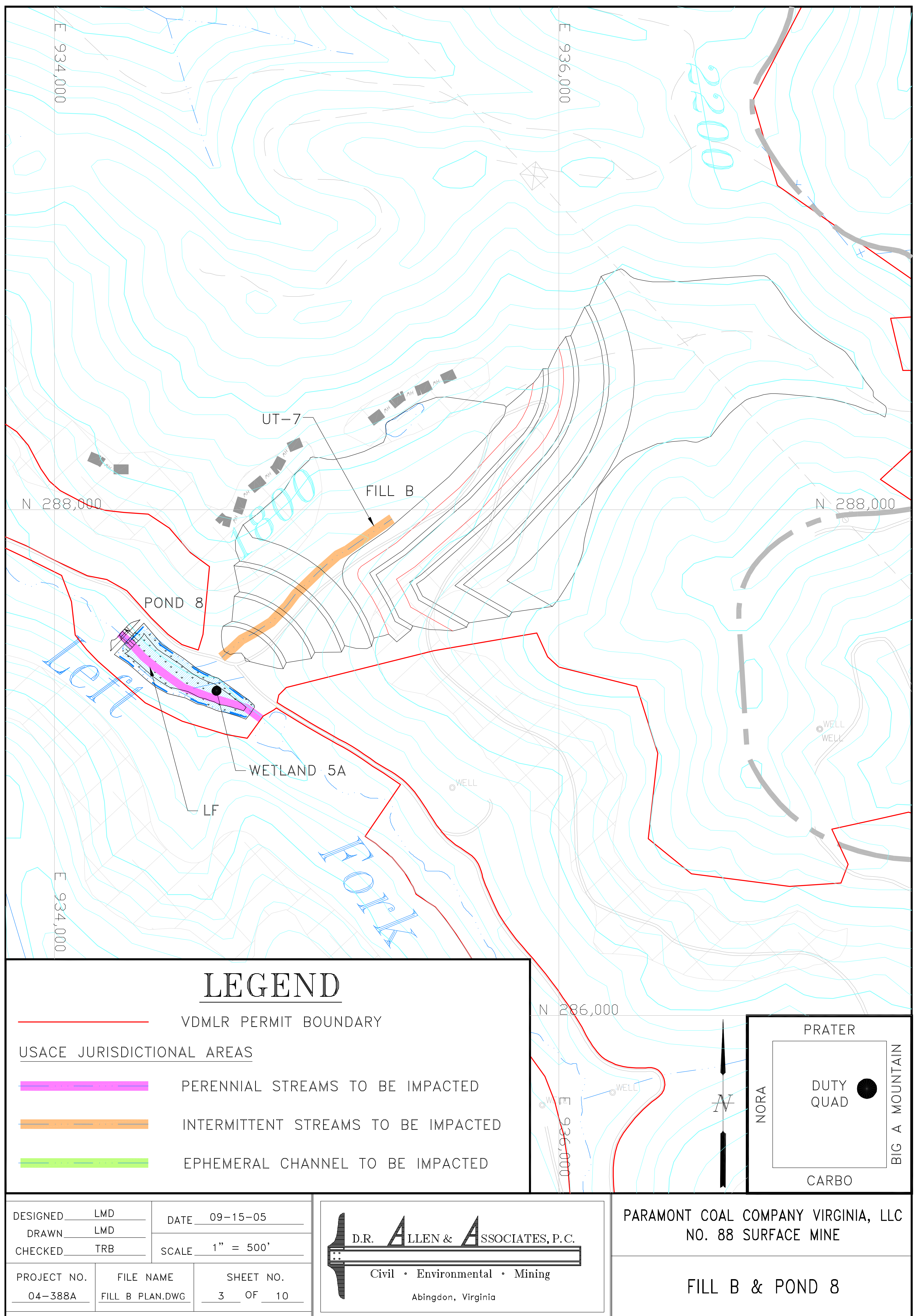
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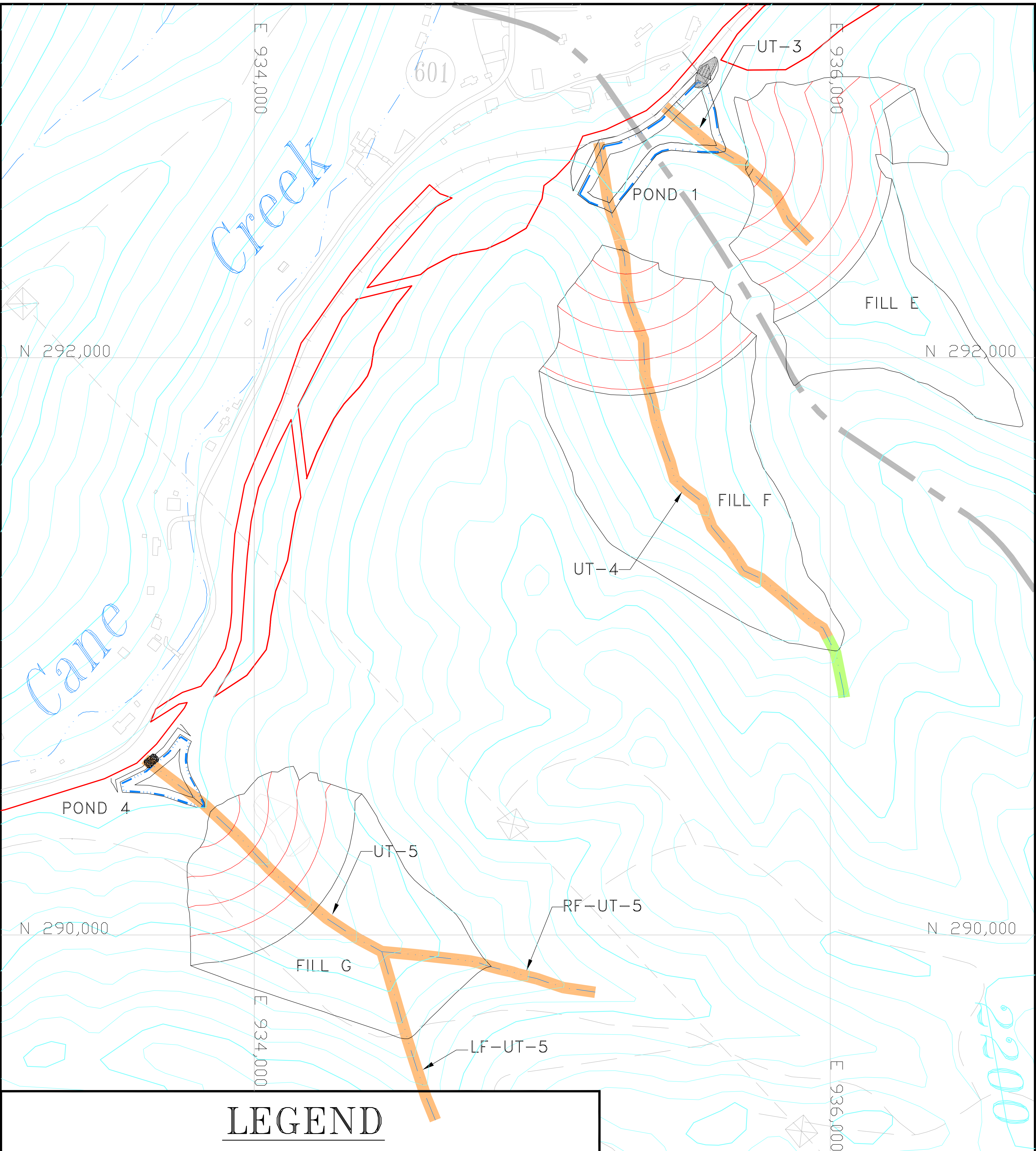
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PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE

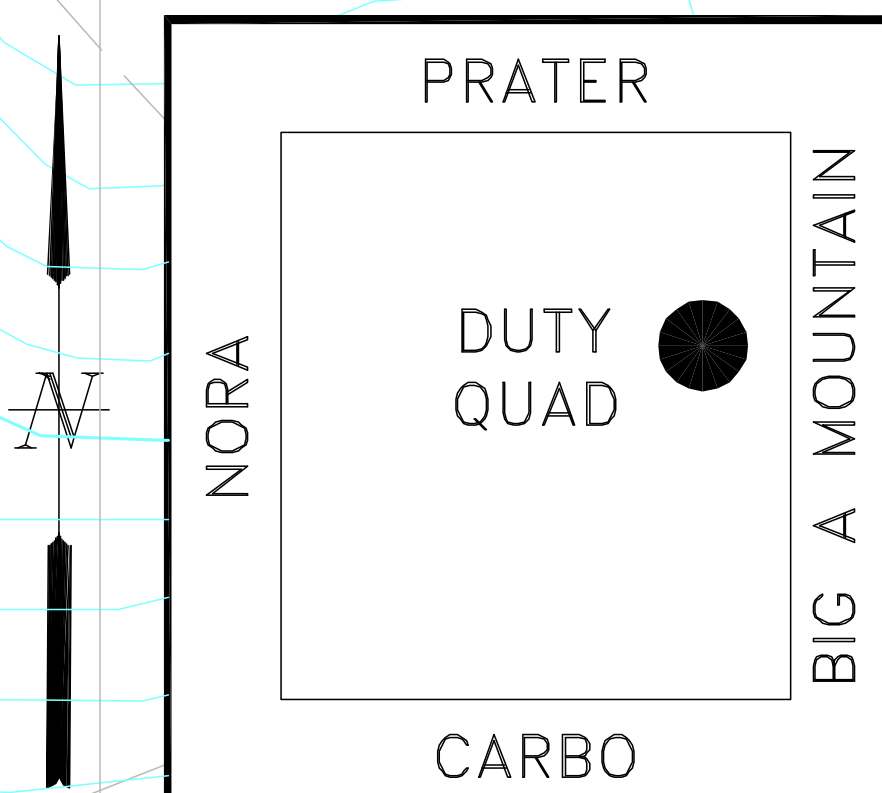
FILL A & POND 9





LEGEND

- VDMLR PERMIT BOUNDARY
- USACE JURISDICTIONAL AREAS
 - PERENNIAL STREAMS TO BE IMPACTED
 - INTERMITTENT STREAMS TO BE IMPACTED
 - EPHEMERAL CHANNEL TO BE IMPACTED



DESIGNED	LMD	DATE	09-15-05
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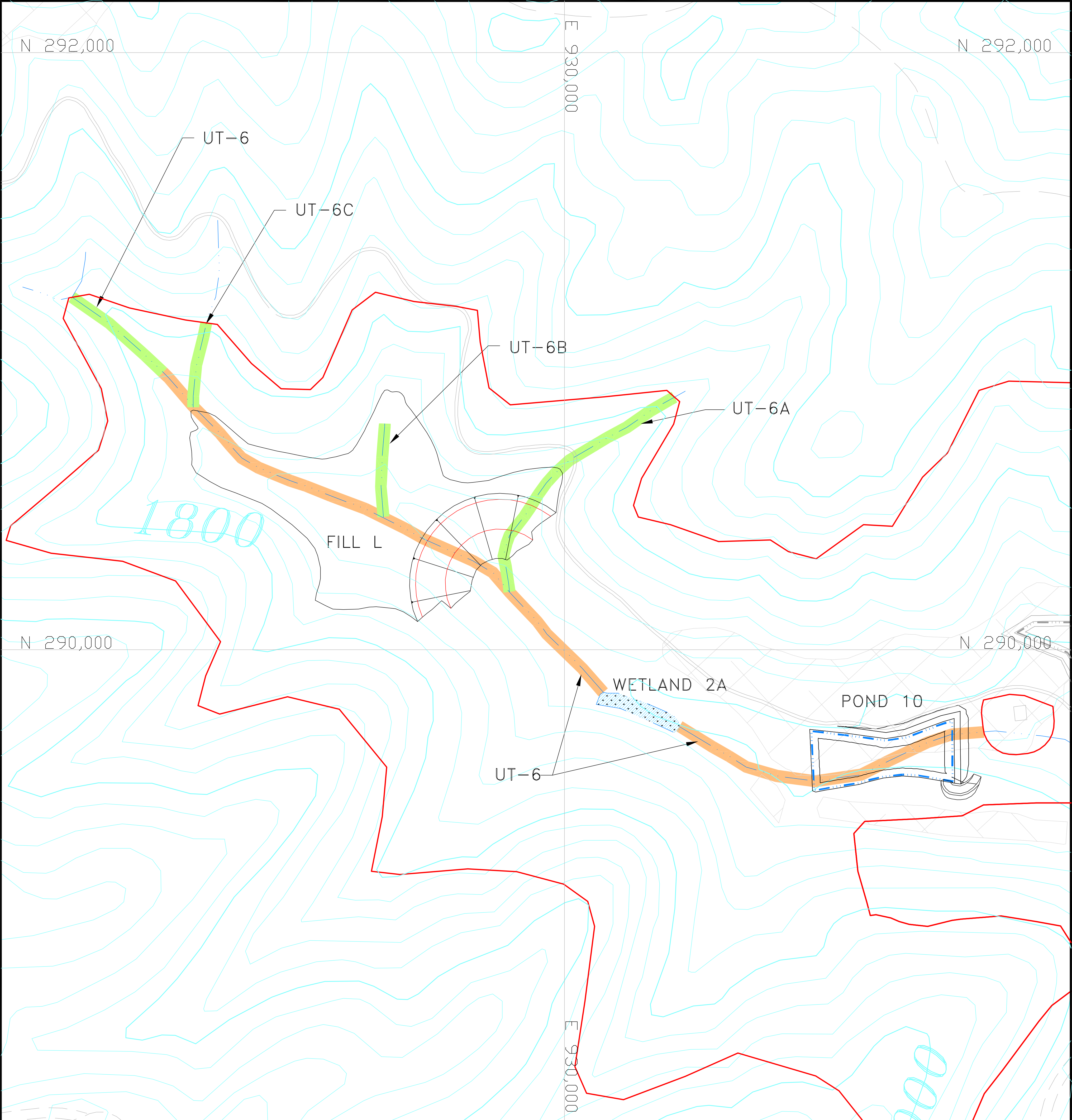
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PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE

FILL E, F, G & PONDS 1 & 4



LEGEND

— VDMR PERMIT BOUNDARY

USACE JURISDICTIONAL AREAS

- PERENNIAL STREAMS TO BE IMPACTED
- INTERMITTENT STREAMS TO BE IMPACTED
- EPHEMERAL CHANNEL TO BE IMPACTED

N 288,000

PRATER

DUTY QUAD

CARBO

NORA

BIG A MOUNTAIN

DESIGNED	LMD	DATE	09-15-05
DRAWN	LMD	SCALE	1" = 500'
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PROJECT NO.	FILE NAME	SHEET NO.
04-388A	FILL L PLAN.DWG	5 OF 10

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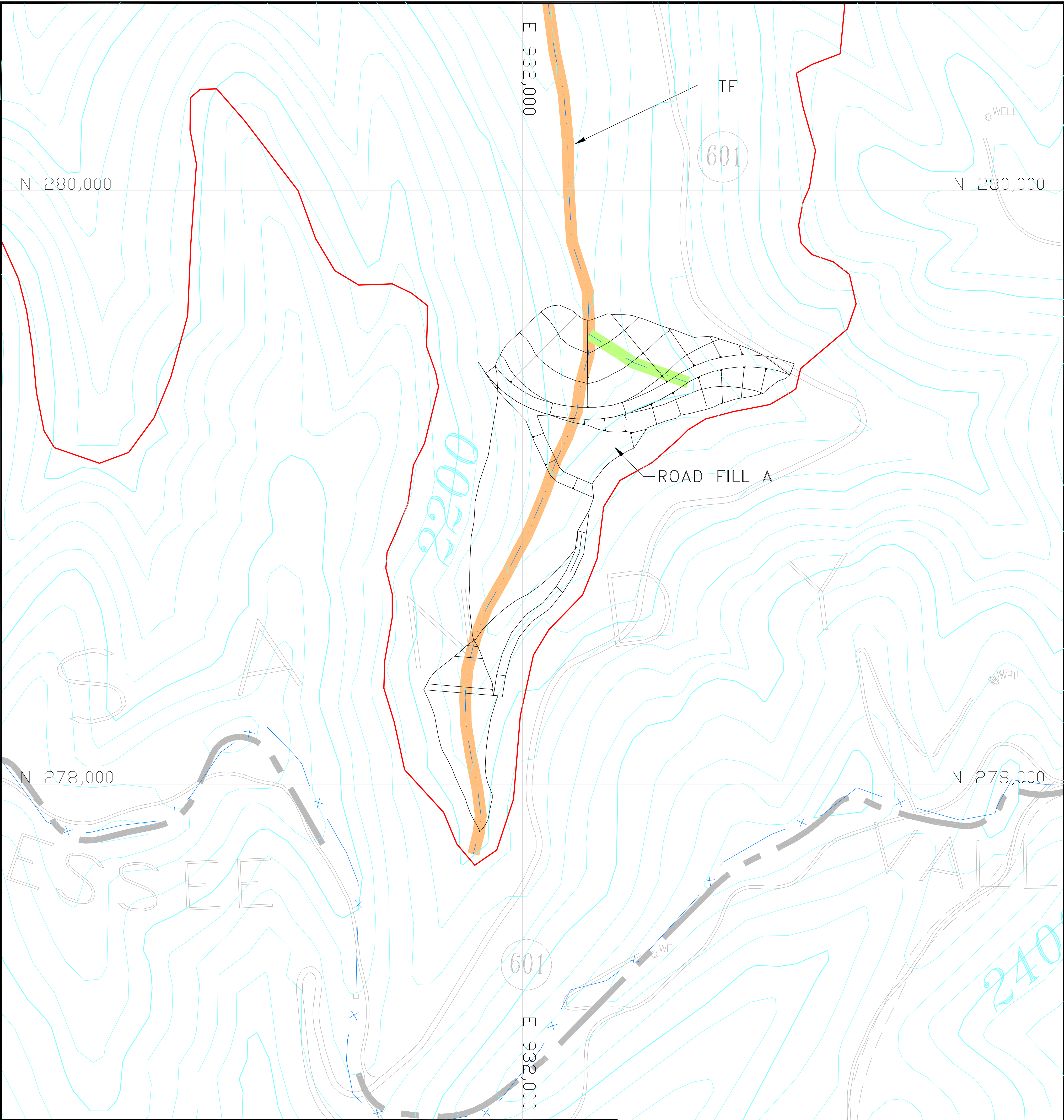
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PARAMONT COAL COMPANY VIRGINIA, LLC

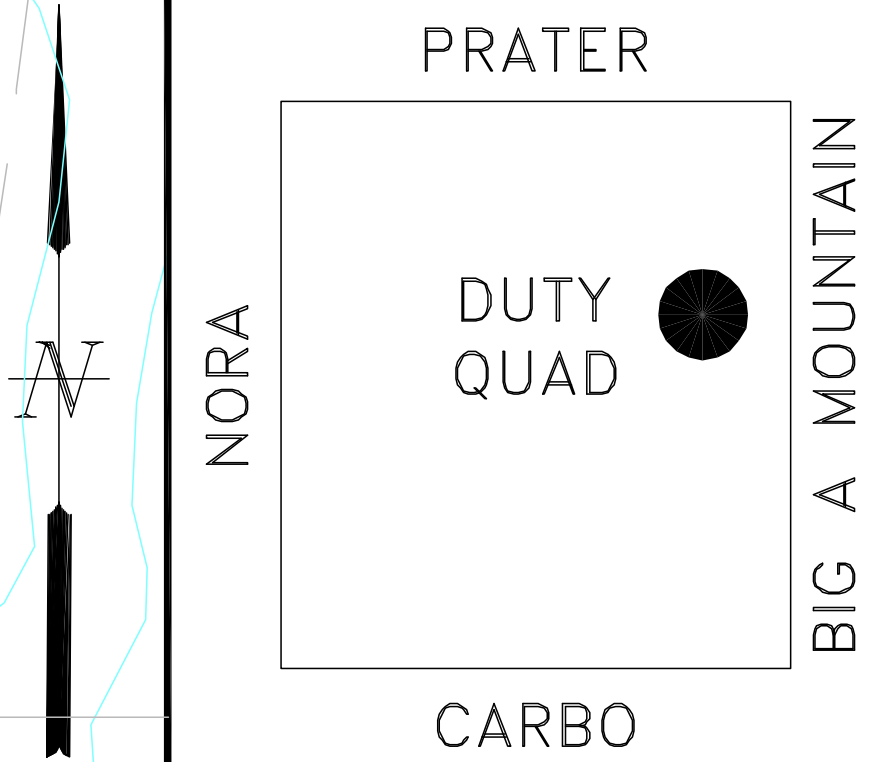
NO. 88 SURFACE MINE

FILL L & POND 10



LEGEND

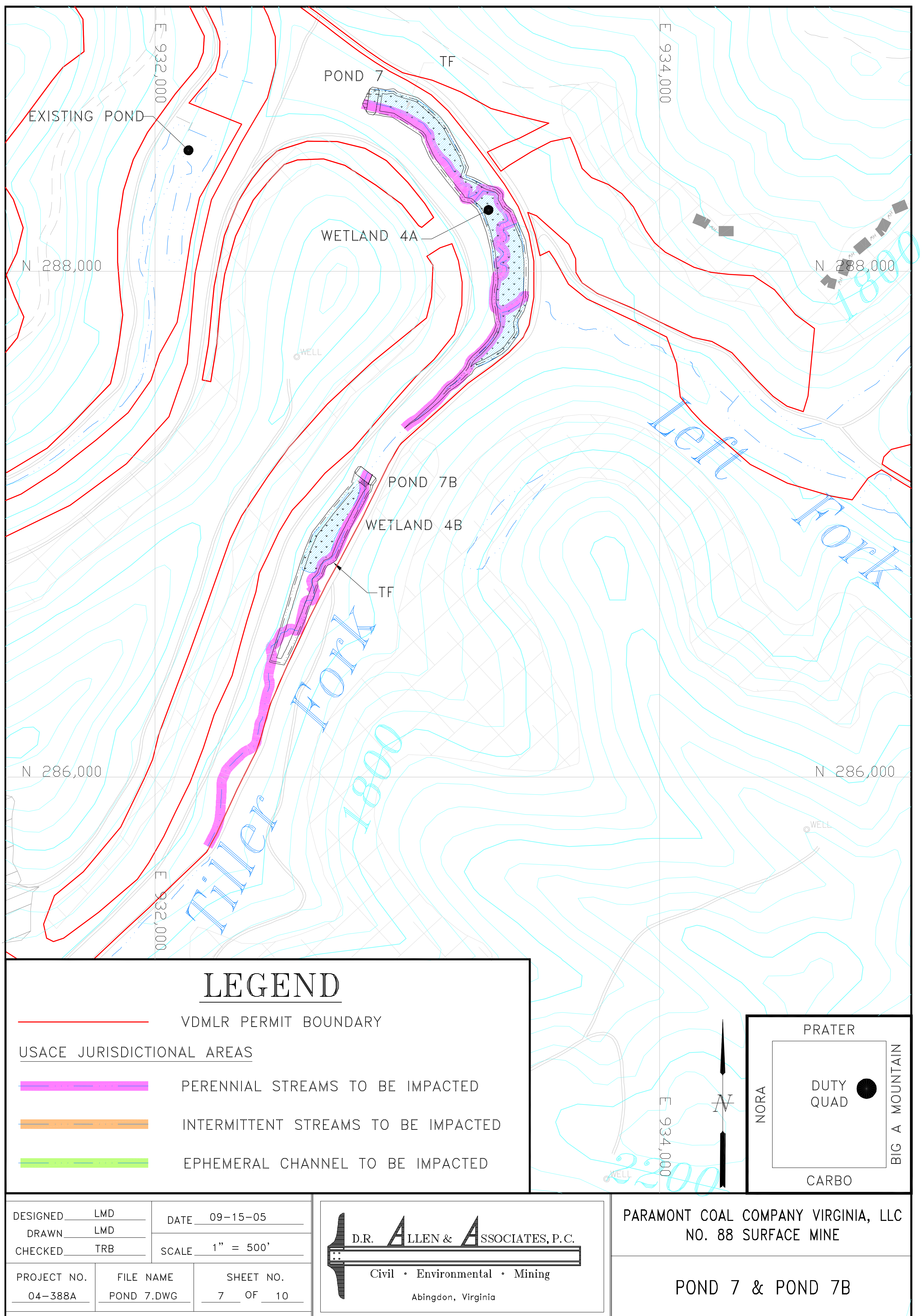
- VDMLR PERMIT BOUNDARY
- USACE JURISDICTIONAL AREAS
 - PERENNIAL STREAMS TO BE IMPACTED
 - INTERMITTENT STREAMS TO BE IMPACTED
 - EPHEMERAL CHANNEL TO BE IMPACTED

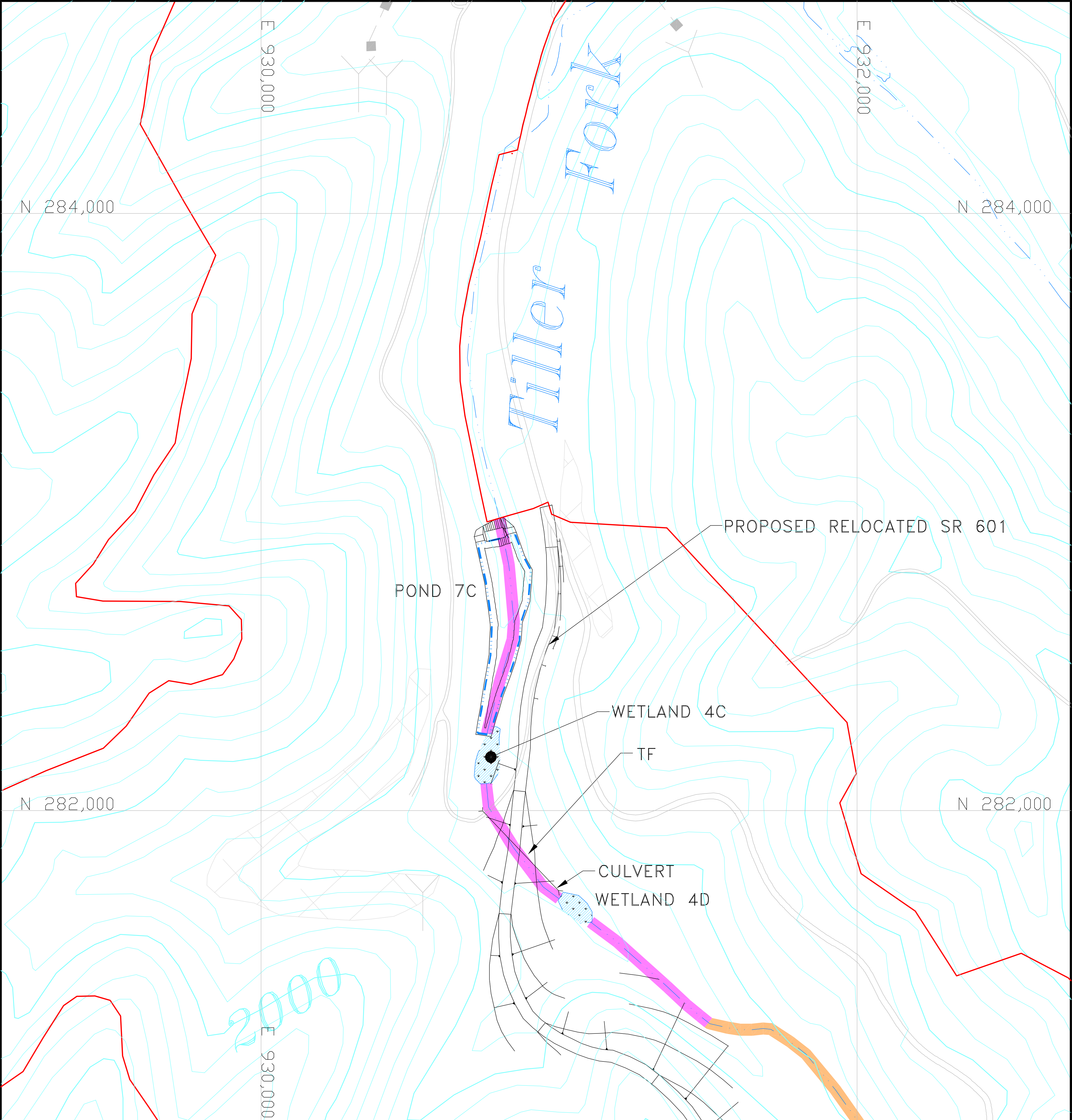


DESIGNED	LMD	DATE	09-15-05
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PROJECT NO.	FILE NAME	SHEET NO.	
04-388A	ROAD FILL A PLAN.DWG	6 OF 10	

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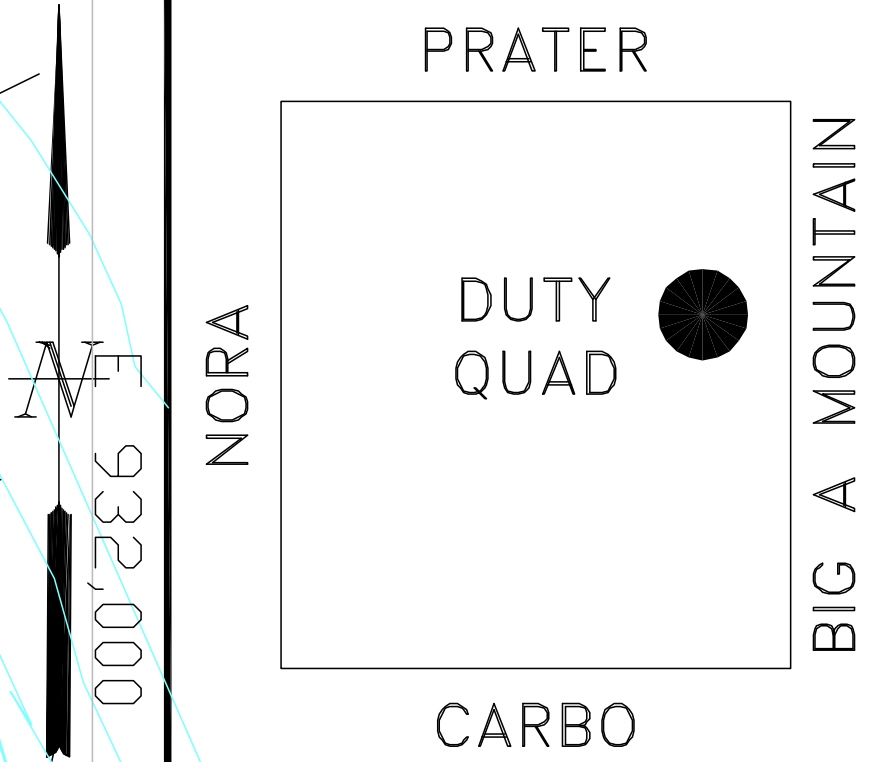
PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE
ROAD FILL A





LEGEND

- VDMLR PERMIT BOUNDARY
- USACE JURISDICTIONAL AREAS
 - PERENNIAL STREAMS TO BE IMPACTED
 - INTERMITTENT STREAMS TO BE IMPACTED
 - EPHEMERAL CHANNEL TO BE IMPACTED



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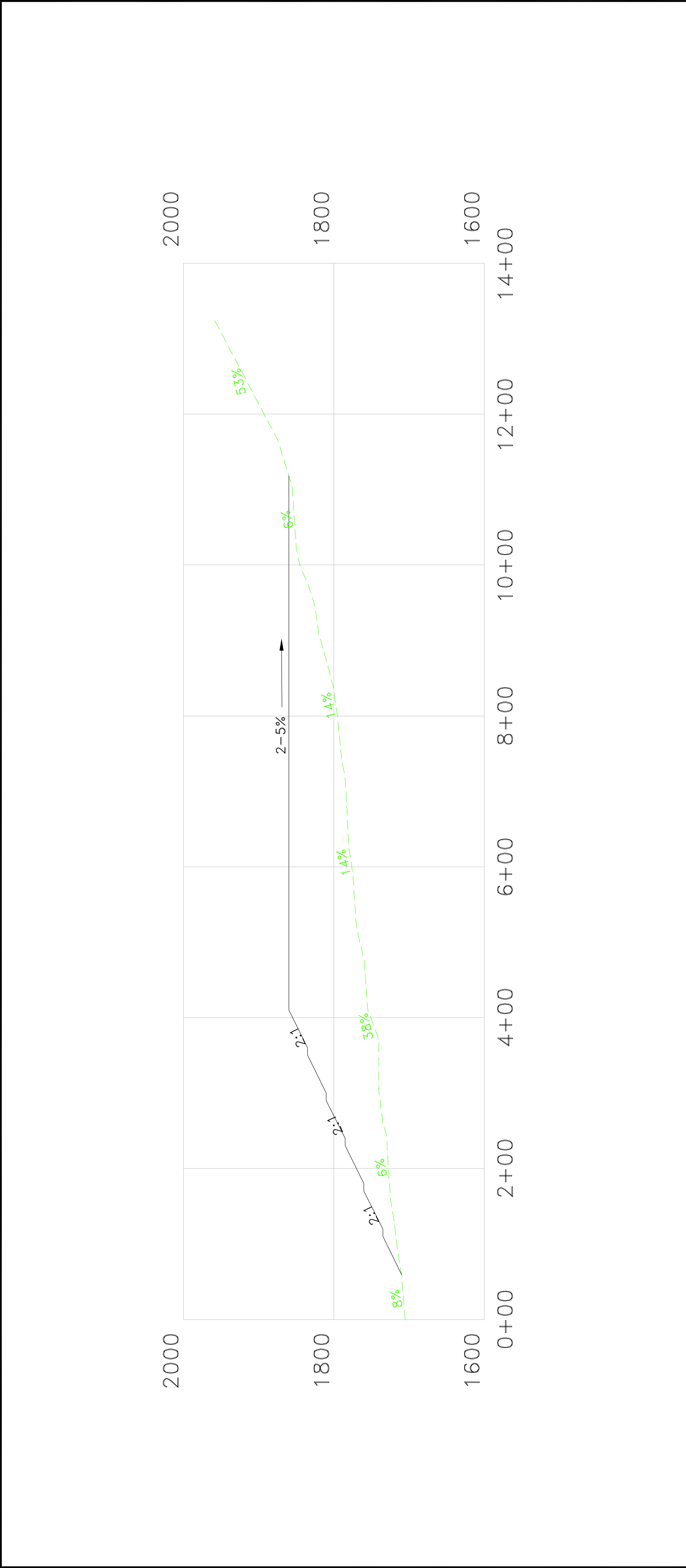
D.R. ALLEN & ASSOCIATES, P.C.

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Abingdon, Virginia

PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE

POND 7C



LEGEND

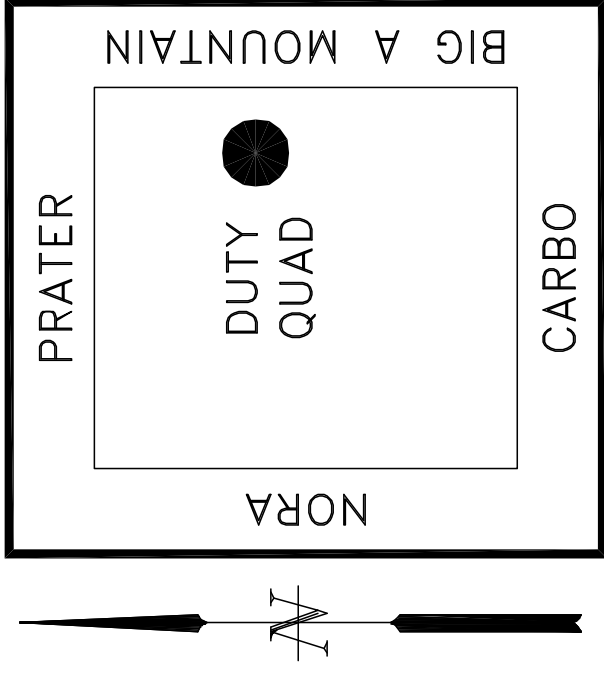
EXISTING GROUND

PROPOSED FILL

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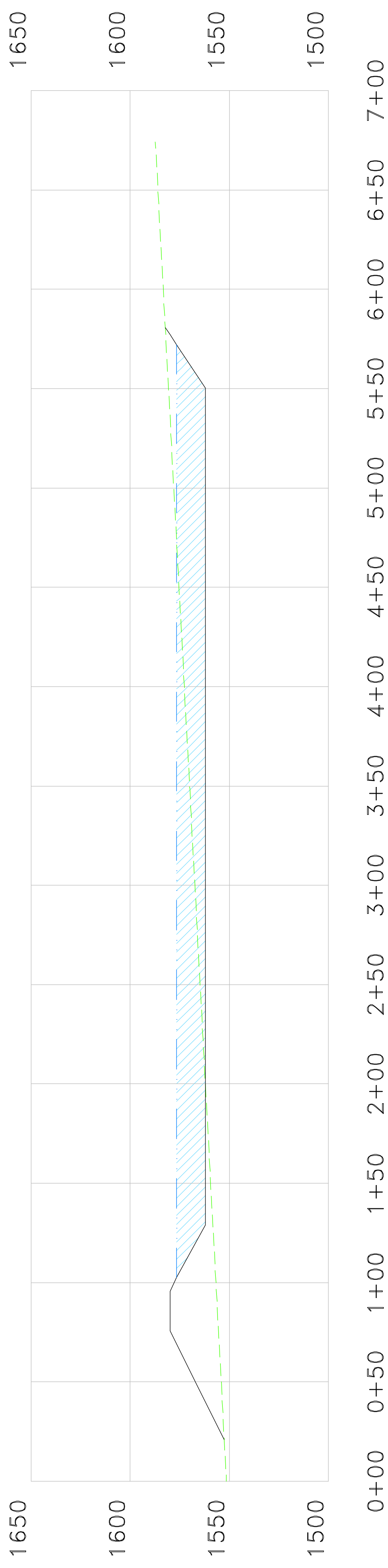
Abingdon, Virginia



PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE

HOLLOW FILL
TYPICAL PROFILE

DESIGNED	LMD	DATE	09-15-05
DRAWN	LMD		
CHECKED	TRB	SCALE	N.T.S.
PROJECT NO. 04-388A	FILE NAME HFILL PRO.DWG	DRAWING NO. 9 OF 10	



LEGEND

EXISTING GROUND

PROPOSED POND

PROPOSED POOL

D.R.

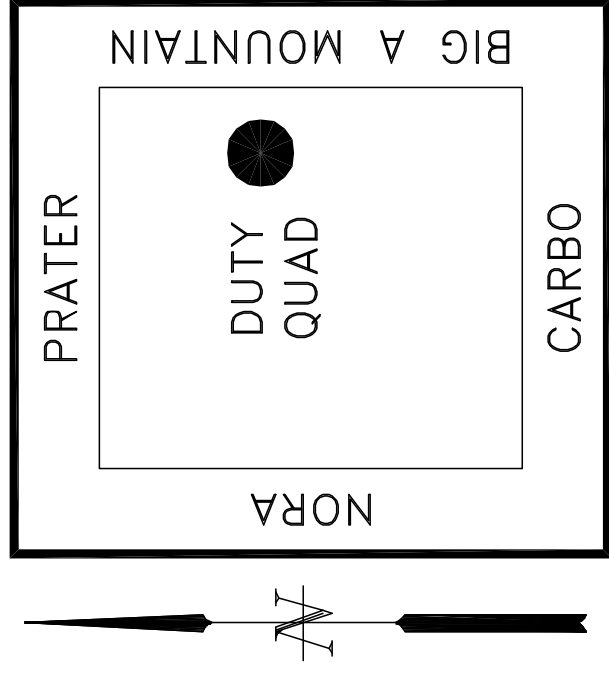
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PARAMONT COAL COMPANY VIRGINIA, LLC
NO. 88 SURFACE MINE

DRAINAGE CONTROL POND
TYPICAL PROFILE

DESIGNED	LMD	DATE	09-15-05
DRAWN	LMD		
CHECKED	TRB	SCALE	N.T.S.
PROJECT NO. 04-388A	FILE NAME POND PRO.DWG	DRAWING NO. 10 OF 10	